

From: [Eric Blischke](#)
To: [Keith Pine](#); rjw@nwnatural.com
Cc: [Burt Shephard](#); [Chip Humphrey](#); [John Toll](#)
Subject: RE: Issues Status
Date: 03/16/2009 11:53 AM

Yes we are covering old ground Keith.

I have a completely different recollection of this topic. While I remember us discussing the shielding issue and the consideration of this effect in the uncertainty section, I do not recall us agreeing to merely screen the TZW data against AWQC. I also spoke to Burt Shephard about whether he remembered agreeing to this screening approach and he said that he did not. It is unclear why we would agree to discuss the shielding effect in the uncertainty section if we were only considering the results of a screening analysis; the uncertainty section really applies to the procedures used in the baseline risk assessment. Further, I believe that we have been consistent in our objection to the application of dilution factors to the evaluation of TZW. We did agree to screen the deeper TZW data but not the data collected just below the sediment-surface water interface. Shallow TZW data should be compared to water TRVs consistent with the February 15, 2008 problem formulation for the baseline ecological risk assessment.

Eric

▼ ["Keith Pine" <kpine@anchorage.com>](mailto:kpine@anchorage.com)

"Keith Pine"
<kpine@anchorage.com>

03/13/2009 10:17 AM

To: Eric Blischke/R10/USEPA/US@EPA
cc: Chip Humphrey/R10/USEPA/US@EPA, Burt Shephard/R10/USEPA/US@EPA, "John Toll" <JohnT@windwardenv.com>

Subject: RE: Issues Status

Eric-

We're concerned that we are going back over old ground here. We can't find and don't recall receiving EPA's May 16, 2008 Issue Resolution Summary. The ERA problem formulation was provided in February 2008, well before we had our discussions on this issue. We definitely do not agree to compare TZW to chronic AWQC without application of a dilution factor for the purpose of evaluating risk to the benthic community. My notes from our 5/14/08 issues resolution meeting very clearly indicate that I heard you wanted to screen the TZW data to evaluate potential migration and agreed that it should not be included in the baseline risk assessment.

Keith

-----Original Message-----

From: Blischke.Eric@epamail.epa.gov
[mailto:Blischke.Eric@epamail.epa.gov]
Sent: Thursday, March 12, 2009 3:46 PM
To: Keith Pine
Cc: Humphrey.Chip@epamail.epa.gov; Shephard.Burt@epamail.epa.gov
Subject: Re: Issues Status

Keith, this may be a difference of opinion in terms of interpretation. Below are excerpts from the EPA Issue Summary (I believe this was sent to you previously) and the ecological risk assessment problem formulation:

EPA May 16, 2008 Issue Resolution Summary:

Transition Zone Water - Risk to Benthic Community

Summary: EPA directed the LWG to evaluate direct effects on the

benthic community through a comparison of TZW data with ambient water quality criteria. This issue was discussed in technical meetings held on April 16 and 23, 2008. The LWG proposed applying a 10X dilution factor to account for differences in benthic organism ventilation rates. The LWG also proposed to not evaluate certain metals because they are presumed to be background.

Status: Resolved. The LWG has agreed to evaluate TZW against chronic AWQC and other water TRVs without application of a dilution factor for the purpose of evaluating risk to the benthic community. EPA's problem formulation for the ecological risk assessment identified TZW as a line of evidence to be evaluated in the ecological risk assessment along with other LOEs such as bioassays, sediment PRGs and benthic tissue levels.

Ecological Risk Assessment Problem Formulation:

- Benthic Macroinvertebrate Measurement Endpoint 3: Water exposure contaminant concentrations compared to AWQC or TRVs

Surface water chemistry data and sediment transition zone water will be used to determine if COPC concentrations in Willamette River surface waters and sediment transition zone water are high enough to cause toxicity to benthic macroinvertebrates. Measured COPC concentrations in water will be compared to the toxicity reference values (TRVs) identified as protective of benthic macroinvertebrate survival, growth, and reproduction. TRVs are a combination of EPA AWQC and NOECs and LOECs derived from the results of water column-only toxicity tests as reported in the USEPA ECOTOX database and other published sources. Surface water samples with concentrations of one or more COPCs in excess of one or more TRVs will be considered to have contaminant concentrations sufficient to elicit toxic effects on benthic macroinvertebrate survival, growth, or reproduction, thus posing unacceptable ecological risks to benthic macroinvertebrates. Risks will be evaluated on the basis of exposure spatial scale(s) specified in Table 3.

Obviously, the main issue is whether the evaluation of TZW data is part of a screening level risk assessment or the baseline risk assessment. As a practical matter, in the majority of the areas where we see TZW exceedances of water TRVs, we will also have other measures of benthic risk per other measurement endpoints outlined in the problem formulation.

Eric

"Keith
Pine"

<kpine@anchoragea
.com>

To

Eric

Blischke/R10/USEPA/US@EPA
03/12/2009 11:20

cc

AM

Subject

Issues

Status

Hi Eric-

I checked into Issue 4 regarding screening of TZW in the BERA and wanted

to point out that this issue was listed as resolved in the version of the issue status table that we shared with you on 5/14/08 (attached) and

I have no record of EPA subsequently raising it as a disagreement. We are unclear as to why it's being raised as an issue now?

Keith

Keith Pine

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Anchor and QEA recently merged. Please note our new company name and email addresses.

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This communication is made under the framework of the LWG

Participation

Agreement and in the parties' common interests in meeting LWG member obligations under the Administrative Order on Consent and in anticipation of litigation concerning liability for the Portland Harbor

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[attachment "DRAFT Tech Issue Status Table_Combined_5-13-08.pdf" deleted by Eric Blischke/R10/USEPA/US]